

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

B DFW
RESPONSE UNDER RULE 312
EXPEDITED HANDLING PROCEDURES

In re Patent Application of
CHRISTOPHERS et al
Serial No. 09/833,799
Filed: April 13, 2001
Title: NUCLEIC ACIDS



Atty Dkt. 3774-4

C# M#

C/A.U.

1645

Examiner: Duffy, P.A.

Date: March 2, 2005

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION UNDER RULE 312

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

| | | | |
|--|----|----------------------|--------------------------------|
| Total effective claims after amendment | 0 | minus highest number | |
| previously paid for | 20 | (at least 20) = | 0 x \$50.00 |
| | | | \$0.00 (1202)/\$0.00 (2202) \$ |

| | | | |
|------------------------------------|---|----------------------|--------------------------------|
| Independent claims after amendment | 0 | minus highest number | |
| previously paid for | 3 | (at least 3) = | 0 x \$200.00 |
| | | | \$0.00 (1201)/\$0.00 (2201) \$ |

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

| | |
|------------------------|-------------------------------------|
| One Month Extension | \$120.00 (1251)/\$60.00 (2251) |
| Two Month Extensions | \$450.00 (1252)/\$225.00 (2252) |
| Three Month Extensions | \$1020.00 (1253)/\$510.00 (2253) |
| Four Month Extensions | \$1590.00 (1254)/\$795.00 (2254) \$ |

| | |
|-----------------------------------|------------------------------------|
| Terminal disclaimer enclosed, add | \$130.00 (1814)/ \$65.00 (2814) \$ |
|-----------------------------------|------------------------------------|

Applicant claims "small entity" status. Statement filed herewith

| | |
|---|--------------------|
| Rule 56 Information Disclosure Statement Filing Fee | \$180.00 (1806) \$ |
|---|--------------------|

| | |
|--------------------------|-------------------|
| Assignment Recording Fee | \$40.00 (8021) \$ |
|--------------------------|-------------------|

| | |
|--------|----|
| Other: | \$ |
|--------|----|

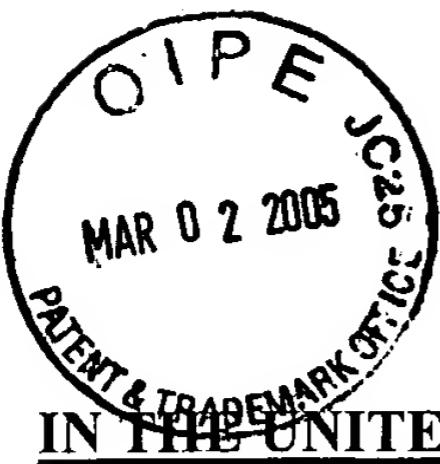
TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tat

NIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Allowed: December 20, 2004

CHRISTOPHERS et al

Atty. Ref.: 3774-4; Confirmation No. 1948

Appl. No. 09/833,799

TC/A.U. 1645

Filed: April 13, 2001

Examiner: Duffy, P.A.

For: NUCLEIC ACIDS

* * * * *

March 2, 2005

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION UNDER RULE 312

The Notice of Allowability dated December 20, 2004 includes an acknowledgement of receipt of "some" of the certified copies of the priority documents. It is indicated that a certified copy of 8924717.5 was not received. The undersigned advised the Examiner by phone that the certified copy of 8924717.5 was filed in Application No. 07/926,371 on September 27, 1995. At the Examiner's suggestion, submitted herewith is a copy of a postcard receipt evidencing that filing (as well as a copy of the submission itself). For the avoidance of doubt, also submitted herewith is a copy of the Notice of Allowability received in Application No. 08/427,170 (a continuation of Application No. 07/926,371). The Notice indicates all of the certified copies were received in Application No. 07/926,371.

CHRISTOPHERS et al
Appl. No. 09/833,799
March 2, 2005

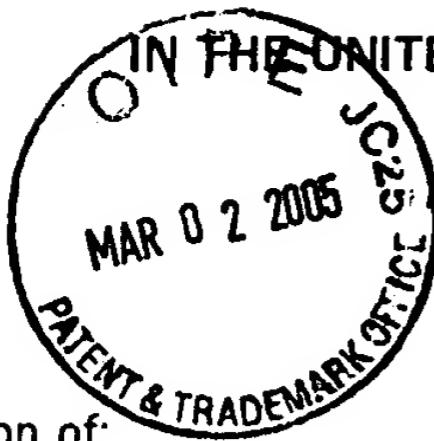
The Examiner is requested to issue a supplemental Notice of Allowability acknowledging receipt of all of the certified copies of the priority documents.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
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In re Patent Application of:

CHRISTOPHERS et al

Serial No.: 07/926,371

Filed: August 10, 1992

Allowed: January 23, 1995

Batch No.: I14

Atty Dkt: 1586-7
C# M#

Group Art Unit: 1813

Examiner: Sidberry, H.

**POLYPEPTIDES AND POLYPEPTIDE
Title: ANALOGUES**

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

Date: September 27, 1995

Sir:

SUBMISSION OF PRIORITY DOCUMENT(S)

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

| | | |
|---|----|-------------|
| Total effective claims after amendment () minus highest number | | |
| previously paid for () (at least 20) = x \$22 | \$ | 0.00 |
| Independent claims after amendment () minus highest number | | |
| previously paid for () (at least 3) = x \$76 | \$ | 0.00 |
| If proper multiple dependent claims now added for first time, add \$240 (ignore improper) . | \$ | |
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110/1 month; \$370/2 months; \$870/3 months) | \$ | |
| Terminal disclaimer enclosed, add \$110 | \$ | |
| First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$730) | \$ | |
| Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$730) | \$ | |
| SUBTOTAL | \$ | 0.00 |
| If "small entity," then enter half (1/2) of subtotal and subtract | \$ | () |
| <input type="checkbox"/> Statement filed herewith | | |
| Rule 56 Information Disclosure Statement Filing Fee (\$210) | \$ | |
| Assignment Recording Fee (\$40.00) | \$ | |
| TOTAL FEE ENCLOSED | \$ | 0.00 |

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road
8th Floor
Arlington, VA 22201-4714
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MJW:tat

NIXON & VANDERHYE P.C.

By Atty.: Mary J. Wilson

Reg. No. 32,955

Signature:

Mary J. Wilson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Allowed: January 23, 1995

CHRISTOPHERS et al

Batch No.: I14

Serial No.: 07/926,371

Group Art Unit: 1813

Filed: August 10, 1992

Examiner: Sidberry, H.

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

* * * *

September 27, 1995

SUBMISSION OF PRIORITY DOCUMENT(S)

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

It is respectfully requested that this application be given the benefit of the foreign filing date under the provisions of 35 U.S.C. 119 of the following, a certified copy of which is submitted herewith:

Application No.

Country of Origin

Filed

8924717.5

United Kingdom

2 November 1989

Respectfully submitted,

NIXON & VANDERHYE P.C.

By Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat

1100 North Glebe Road
8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



Serial No.: 07/624,371 Atty: M.J.W.
Applicant: CHRISTOPHERS et al Date: 3-27-95
Title: DYPEPTIDES AND POLY-
PEPTIDE ANALOGUES
Ref. 3580-7
HAND CARRY

Amendment

Pages Specification

Claims

Sheets Drawings: Formal _____

Informal _____

Declaration (_____ Pages)

Assignment

Priority Document

Base Issue Fee Transmittal

Fee (Check)

Other: Submission of Priority Document



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

3774-2
MJW
08/427,170

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|--------------------|-------------|-----------------------|---------------------|

08/427,170 04/24/95 CHRISTOPHERS

F 1586-16

EXAMINER

HM12/0110

ART UNIT FEY P PAPER NUMBER

NIXON AND VANDERHYE
8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON VA 22201

33/H

DATE MAILED 15

01/10/01

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to After final 10-23-00.

The allowed claim(s) is/are 23, 23, 27 + 28 unnumbered 1-4 respectively.

The drawings filed on _____ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) 07/926,371.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 8.

including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413, (x 2) (1) (1) (1) (1)

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

ISSUE FEE

DUE: April 10, 2001

Draws Due: April 10, 2001

Draws C/U: March 10, 2001